

Union Calendar No. 91

110TH CONGRESS
1ST SESSION

H. R. 811

[Report No. 110–154]

To amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2007

Mr. HOLT (for himself, Mr. TOM DAVIS of Virginia, Mr. WEXLER, Mr. EMANUEL, Mr. PETRI, Mr. WOLF, Mr. LEWIS of Georgia, Mr. LANGEVIN, Mr. COOPER, Mrs. JONES of Ohio, Mr. CLAY, Mr. SHAYS, Ms. KAPTUR, Mr. ENGLISH of Pennsylvania, Mr. HASTINGS of Florida, Mr. RAMSTAD, Mr. MEEK of Florida, Mr. ISSA, Mr. CUMMINGS, Mrs. BIGGERT, Ms. LEE, Mr. CASTLE, Ms. KILPATRICK of Michigan, Mr. KUHLMAN of New York, Ms. CORRINE BROWN of Florida, Mr. MACK, Mr. SCOTT of Virginia, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD of Florida, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mrs. CAPPES, Mr. CARNAHAN, Mr. CHANDLER, Mr. COHEN, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FATTAH, Mr. FILNER, Mr. FORTUÑO, Mr. FRANK of Massachusetts, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Ms. HARMAN, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KAGEN, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LOEBSACK, Mrs. LOWEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCINTYRE, Mr. McNULTY, Mrs. MALONEY of New York, Mr. MARSHALL, Mr.

MATHESON, Ms. MATSUI, Mr. MELANCON, Mr. MICHAUD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. REYES, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Mr. SHULER, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. ALTMIRE) introduced the following bill; which was referred to the Committee on House Administration

MAY 16, 2007

Additional sponsors: Ms. BEAN, Mr. HARE, Mr. KANJORSKI, Mr. TIM MURPHY of Pennsylvania, Mr. LEVIN, Ms. CASTOR, Mr. BISHOP of New York, Mr. McDERMOTT, Mr. WALDEN of Oregon, Mr. CUELLAR, Mr. HINOJOSA, Mr. THOMPSON of California, Ms. ZOE LOFGREN of California, Ms. BALDWIN, Mr. SNYDER, Mr. RANGEL, Ms. VELÁZQUEZ, Mr. FARR, Mr. MEEHAN, Mr. LIPINSKI, Mr. WAMP, Mr. GERLACH, Mr. LAHOOD, Mr. ISRAEL, Mr. DAVIS of Alabama, Mr. UDALL of New Mexico, Mr. CLEAVER, Mr. LOBIONDO, Mr. RAHALL, Mr. MURTHA, Mr. RODRIGUEZ, Mr. ROSS, Mr. SAXTON, Ms. CARSON, Mr. SIRES, Ms. MOORE of Wisconsin, Mr. HILL, Mr. YARMUTH, Mr. BARROW, Mr. SARBANES, Mr. DONNELLY, Mrs. BONO, Mr. AL GREEN of Texas, Mr. CARNEY, Ms. GIFFORDS, Mr. McGOVERN, and Mr. MARKEY

MAY 16, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 5, 2007]

A BILL

To amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Voter Confidence and*
 5 *Increased Accessibility Act of 2007”.*

6 **SEC. 2. PROMOTING ACCURACY, INTEGRITY, AND SECURITY**
 7 **THROUGH VOTER-VERIFIED PERMANENT**
 8 **PAPER BALLOT.**

9 *(a) BALLOT VERIFICATION AND AUDIT CAPACITY.—*

10 *(1) IN GENERAL.—Section 301(a)(2) of the Help*
 11 *America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is*
 12 *amended to read as follows:*

13 *“(2) BALLOT VERIFICATION AND AUDIT CAPAC-*
 14 *ITY.—*

15 *“(A) VOTER-VERIFIED PAPER BALLOTS.—*

16 *“(i) VERIFICATION.—(I) The voting*
 17 *system shall require the use of or produce*
 18 *an individual, durable, voter-verified paper*
 19 *ballot of the voter’s vote that shall be created*
 20 *by or made available for inspection and*
 21 *verification by the voter before the voter’s*
 22 *vote is cast and counted. For purposes of*
 23 *this subclause, examples of such a ballot in-*
 24 *clude a paper ballot marked by the voter for*
 25 *the purpose of being counted by hand or*

1 *read by an optical scanner or other similar*
2 *device, a paper ballot prepared by the voter*
3 *to be mailed to an election official (whether*
4 *from a domestic or overseas location), a*
5 *paper ballot created through the use of a*
6 *ballot marking device or system, or a paper*
7 *ballot produced by a touch screen or other*
8 *electronic voting machine, so long as in*
9 *each case the voter is permitted to verify the*
10 *ballot in a paper form in accordance with*
11 *this subparagraph.*

12 *“(II) The voting system shall provide*
13 *the voter with an opportunity to correct*
14 *any error made by the system in the voter-*
15 *verified paper ballot before the permanent*
16 *voter-verified paper ballot is preserved in*
17 *accordance with clause (ii).*

18 *“(III) The voting system shall not pre-*
19 *serve the voter-verified paper ballots in any*
20 *manner that makes it possible, at any time*
21 *after the ballot has been cast, to associate a*
22 *voter with the record of the voter’s vote.*

23 *“(ii) PRESERVATION.—The individual,*
24 *durable voter-verified paper ballot produced*
25 *in accordance with clause (i) shall be used*

1 *as the official ballot for purposes of any re-*
2 *count or audit conducted with respect to*
3 *any election for Federal office in which the*
4 *voting system is used, and shall be pre-*
5 *served—*

6 *“(I) in the case of votes cast at the*
7 *polling place on the date of the elec-*
8 *tion, within the polling place in the*
9 *manner or method in which all other*
10 *paper ballots are preserved within such*
11 *polling place on such date; or*

12 *“(II) in any other case, in a man-*
13 *ner which is consistent with the man-*
14 *ner employed by the jurisdiction for*
15 *preserving such ballots in general.*

16 *“(iii) MANUAL AUDIT CAPACITY.—(I)*
17 *Each paper ballot produced pursuant to*
18 *clause (i) shall be suitable for a manual*
19 *audit equivalent to that of a paper ballot*
20 *voting system, and shall be counted by hand*
21 *in any recount or audit conducted with re-*
22 *spect to any election for Federal office.*

23 *“(II) In the event of any inconsis-*
24 *encies or irregularities between any elec-*
25 *tronic vote tallies and the vote tallies deter-*

1 mined by counting by hand the individual,
 2 durable voter-verified paper ballots pro-
 3 duced pursuant to clause (i), and subject to
 4 subparagraph (B), the individual, durable
 5 voter-verified paper ballots shall be the true
 6 and correct record of the votes cast.

7 “(B) *SPECIAL RULE FOR TREATMENT OF*
 8 *DISPUTES WHEN PAPER BALLOTS HAVE BEEN*
 9 *SHOWN TO BE COMPROMISED.—*

10 “(i) *IN GENERAL.—In the event that—*

11 “(I) *there is any inconsistency be-*
 12 *tween any electronic vote tallies and*
 13 *the vote tallies determined by counting*
 14 *by hand the individual, durable voter-*
 15 *verified paper ballots produced pursu-*
 16 *ant to subparagraph (A)(i) with re-*
 17 *spect to any election for Federal office;*
 18 *and*

19 “(II) *it is demonstrated by clear*
 20 *and convincing evidence (as deter-*
 21 *mined in accordance with the applica-*
 22 *ble standards in the jurisdiction in-*
 23 *volved) in any recount, audit, or con-*
 24 *test of the result of the election that the*
 25 *paper ballots have been compromised*

1 *(by damage or mischief or otherwise)*
2 *and that a sufficient number of the*
3 *ballots have been so compromised that*
4 *the result of the election could be*
5 *changed,*

6 *the determination of the appropriate rem-*
7 *edy with respect to the election shall be*
8 *made in accordance with applicable State*
9 *law, except that the electronic tally shall not*
10 *be used as the exclusive basis for deter-*
11 *mining the official certified vote tally.*

12 “(ii) *RULE FOR CONSIDERATION OF*
13 *BALLOTS ASSOCIATED WITH EACH VOTING*
14 *MACHINE.—For purposes of clause (i), the*
15 *paper ballots associated with each voting*
16 *system shall be considered on a voting-ma-*
17 *chine-by-voting-machine basis, and only the*
18 *paper ballots deemed compromised, if any,*
19 *shall be considered in the calculation of*
20 *whether or not the result of the election*
21 *could be changed due to the compromised*
22 *paper ballots.”.*

23 (2) *CONFORMING AMENDMENT CLARIFYING AP-*
24 *PLICABILITY OF ALTERNATIVE LANGUAGE ACCESSI-*
25 *BILITY.—Section 301(a)(4) of such Act (42 U.S.C.*

1 15481(a)(4)) is amended by inserting “(including the
 2 paper ballots required to be produced under para-
 3 graph (2) and the notices required under paragraphs
 4 (7) and (13)(C))” after “voting system”.

5 (3) *OTHER CONFORMING AMENDMENTS.*—Section
 6 301(a)(1) of such Act (42 U.S.C. 15481(a)(1)) is
 7 amended—

8 (A) in subparagraph (A)(i), by striking
 9 “counted” and inserting “counted, in accordance
 10 with paragraphs (2) and (3)”;

11 (B) in subparagraph (A)(ii), by striking
 12 “counted” and inserting “counted, in accordance
 13 with paragraphs (2) and (3)”;

14 (C) in subparagraph (A)(iii), by striking
 15 “counted” each place it appears and inserting
 16 “counted, in accordance with paragraphs (2)
 17 and (3)”;

18 (D) in subparagraph (B)(ii), by striking
 19 “counted” and inserting “counted, in accordance
 20 with paragraphs (2) and (3)”.

21 (b) *ACCESSIBILITY AND BALLOT VERIFICATION FOR*
 22 *INDIVIDUALS WITH DISABILITIES.*—

23 (1) *IN GENERAL.*—Section 301(a)(3)(B) of such
 24 Act (42 U.S.C. 15481(a)(3)(B)) is amended to read as
 25 follows:

“(B)(i) satisfy the requirement of subparagraph (A) through the use of at least one voting system equipped for individuals with disabilities at each polling place; and

“(ii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

“(I) allows the voter to privately and independently verify the individual, durable paper ballot through the conversion of the human-readable printed or marked vote selections into accessible form,

“(II) ensures that the entire process of ballot verification and vote casting is equipped for individuals with disabilities, and

“(III) does not preclude the supplementary use of Braille or tactile ballots; and”.

(2) *SPECIFIC REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF ACCESSIBLE BALLOT VERIFICATION MECHANISMS.—*

(A) *STUDY AND REPORTING.—*Subtitle C of title II of such Act (42 U.S.C. 15381 et seq.) is amended—

- 1 (i) by redesignating section 247 as sec-
 2 tion 248; and
 3 (ii) by inserting after section 246 the
 4 following new section:

5 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE BALLOT**
 6 **VERIFICATION MECHANISMS.**

7 “(a) *STUDY AND REPORT.*—The Director of the Na-
 8 tional Institute of Standards and Technology shall study,
 9 test, and develop best practices to enhance the accessibility
 10 of ballot verification mechanisms for individuals with dis-
 11 abilities, for voters whose primary language is not English,
 12 and for voters with difficulties in literacy, including best
 13 practices for the mechanisms themselves and the processes
 14 through which the mechanisms are used. In carrying out
 15 this section, the Director shall specifically investigate exist-
 16 ing and potential methods or devices, including non-elec-
 17 tronic devices, that will assist such individuals and voters
 18 in creating voter-verified paper ballots and presenting or
 19 transmitting the information printed or marked on such
 20 ballots back to such individuals and voters.

21 “(b) *COORDINATION WITH GRANTS FOR TECHNOLOGY*
 22 *IMPROVEMENTS.*—The Director shall coordinate the activi-
 23 ties carried out under subsection (a) with the research con-
 24 ducted under the grant program carried out by the Commis-
 25 sion under section 271, to the extent that the Director and

1 *Commission determine necessary to provide for the advance-*
 2 *ment of accessible voting technology.*

3 “(c) *DEADLINE.*—*The Director shall complete the re-*
 4 *quirements of subsection (a) not later than December 31,*
 5 *2008.*

6 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
 7 *are authorized to be appropriated to carry out subsection*
 8 *(a) \$3,000,000, to remain available until expended.”.*

9 (B) *CLERICAL AMENDMENT.*—*The table of*
 10 *contents of such Act is amended—*

11 (i) *by redesignating the item relating*
 12 *to section 247 as relating to section 248;*
 13 *and*

14 (ii) *by inserting after the item relating*
 15 *to section 246 the following new item:*

“*Sec. 247. Study and report on accessible ballot verification mechanisms.”.*

16 (3) *CLARIFICATION OF ACCESSIBILITY STAND-*
 17 *ARDS UNDER VOLUNTARY VOTING SYSTEM GUID-*
 18 *ANCE.*—*In adopting any voluntary guidance under*
 19 *subtitle B of title III of the Help America Vote Act*
 20 *with respect to the accessibility of the paper ballot*
 21 *verification requirements for individuals with disabil-*
 22 *ities, the Election Assistance Commission shall in-*
 23 *clude and apply the same accessibility standards ap-*
 24 *plicable under the voluntary guidance adopted for ac-*
 25 *cessible voting systems under such subtitle.*

1 (c) *ADDITIONAL VOTING SYSTEM REQUIREMENTS.*—

2 (1) *REQUIREMENTS DESCRIBED.*—Section 301(a)
3 of such Act (42 U.S.C. 15481(a)) is amended by add-
4 ing at the end the following new paragraphs:

5 “(7) *INSTRUCTION REMINDING VOTERS OF IM-*
6 *PORTANCE OF VERIFYING PAPER BALLOT.*—

7 “(A) *IN GENERAL.*—The appropriate elec-
8 tion official at each polling place shall cause to
9 be placed in a prominent location in the polling
10 place which is clearly visible from the voting
11 booths a notice, in large font print accessible to
12 the visually impaired, advising voters that the
13 paper ballots representing their votes shall serve
14 as the vote of record in all audits and recounts
15 in elections for Federal office, and that they
16 should not leave the voting booth until con-
17 firming that such paper ballots accurately record
18 their vote.

19 “(B) *SYSTEMS FOR INDIVIDUALS WITH DIS-*
20 *ABILITIES.*—All voting systems equipped for in-
21 dividuals with disabilities shall present or trans-
22 mit in accessible form the statement referred to
23 in subparagraph (A), as well as an explanation
24 of the verification process described in paragraph
25 (3)(B)(ii).

1 “(8) *PROHIBITING USE OF UNCERTIFIED ELEC-*
2 *TION-DEDICATED VOTING SYSTEM TECHNOLOGIES;*
3 *DISCLOSURE REQUIREMENTS.*—

4 “(A) *IN GENERAL.*—*A voting system used*
5 *in an election for Federal office in a State may*
6 *not at any time during the election contain or*
7 *use any election-dedicated voting system tech-*
8 *nology which has not been certified by the State*
9 *for use in the election and which has not been*
10 *deposited with an accredited laboratory described*
11 *in section 231 to be held in escrow and disclosed*
12 *in accordance with this section.*

13 “(B) *REQUIREMENT FOR AND RESTRIC-*
14 *TIONS ON DISCLOSURE.*—*An accredited labora-*
15 *tory under section 231 with whom an election-*
16 *dedicated voting system technology has been de-*
17 *posited shall—*

18 “(i) *hold the technology in escrow; and*

19 “(ii) *disclose technology and informa-*
20 *tion regarding the technology to another*
21 *person if—*

22 “(I) *the person is a qualified per-*
23 *son described in subparagraph (C) who*
24 *has entered into a nondisclosure agree-*
25 *ment with respect to the technology*

1 *which meets the requirements of sub-*
2 *paragraph (D); or*

3 “(II) *the laboratory is required to*
4 *disclose the technology to the person*
5 *under State law, in accordance with*
6 *the terms and conditions applicable*
7 *under such law.*

8 “(C) *QUALIFIED PERSONS DESCRIBED.—*
9 *With respect to the disclosure of election-dedi-*
10 *cated voting system technology by a laboratory*
11 *under subparagraph (B)(ii)(I), a ‘qualified per-*
12 *son’ is any of the following:*

13 “(i) *A governmental entity with re-*
14 *sponsibility for the administration of voting*
15 *and election-related matters for purposes of*
16 *reviewing, analyzing, or reporting on the*
17 *technology.*

18 “(ii) *A party to pre- or post-election*
19 *litigation challenging the result of an elec-*
20 *tion or the administration or use of the*
21 *technology used in an election, including*
22 *but not limited to election contests or chal-*
23 *lenges to the certification of the technology,*
24 *or an expert for a party to such litigation,*
25 *for purposes of reviewing or analyzing the*

1 *technology to support or oppose the litiga-*
2 *tion, and all parties to the litigation shall*
3 *have access to the technology for such pur-*
4 *poses.*

5 “(iii) *A person not described in clause*
6 *(i) or (ii) who reviews, analyzes, or reports*
7 *on the technology solely for an academic,*
8 *scientific, technological, or other investiga-*
9 *tion or inquiry concerning the accuracy or*
10 *integrity of the technology.*

11 “(D) *REQUIREMENTS FOR NONDISCLOSURE*
12 *AGREEMENTS.—A nondisclosure agreement en-*
13 *tered into with respect to an election-dedicated*
14 *voting system technology meets the requirements*
15 *of this subparagraph if the agreement—*

16 “(i) *is limited in scope to coverage of*
17 *the technology disclosed under subparagraph*
18 *(B) and any trade secrets and intellectual*
19 *property rights related thereto;*

20 “(ii) *does not prohibit a signatory*
21 *from entering into other nondisclosure*
22 *agreements to review other technologies*
23 *under this paragraph;*

24 “(iii) *exempts from coverage any infor-*
25 *mation the signatory lawfully obtained*

1 *from another source or any information in*
2 *the public domain;*

3 *“(iv) remains in effect for not longer*
4 *than the life of any trade secret or other in-*
5 *tellectual property right related thereto;*

6 *“(v) prohibits the use of injunctions*
7 *barring a signatory from carrying out any*
8 *activity authorized under subparagraph*
9 *(C), including injunctions limited to the pe-*
10 *riod prior to a trial involving the tech-*
11 *nology;*

12 *“(vi) is silent as to damages awarded*
13 *for breach of the agreement, other than a*
14 *reference to damages available under appli-*
15 *cable law;*

16 *“(vii) allows disclosure of evidence of*
17 *crime, including in response to a subpoena*
18 *or warrant;*

19 *“(viii) allows the signatory to perform*
20 *analyses on the technology (including by*
21 *executing the technology), disclose reports*
22 *and analyses that describe operational*
23 *issues pertaining to the technology (includ-*
24 *ing vulnerabilities to tampering, errors,*
25 *risks associated with use, failures as a re-*

1 sult of use, and other problems), and de-
2 scribe or explain why or how a voting sys-
3 tem failed or otherwise did not perform as
4 intended; and

5 “(ix) provides that the agreement shall
6 be governed by the trade secret laws of the
7 applicable State.

8 “(E) *ELECTION-DEDICATED VOTING SYSTEM*
9 *TECHNOLOGY DEFINED.*—For purposes of this
10 paragraph, ‘election-dedicated voting system
11 technology’ means ‘voting system software’ as de-
12 fined under the 2005 voluntary voting system
13 guidelines adopted by the Commission under sec-
14 tion 222, but excludes ‘commercial-off-the-shelf’
15 software and hardware defined under those
16 guidelines.

17 “(9) *PROHIBITION OF USE OF WIRELESS COMMU-*
18 *NICATIONS DEVICES IN VOTING SYSTEMS.*—No voting
19 system shall contain, use, or be accessible by any
20 wireless, power-line, or concealed communication de-
21 vice, except that enclosed infrared communications de-
22 vices which are certified for use in the voting system
23 by the State and which cannot be used for any remote
24 or wide area communications or used without the
25 knowledge of poll workers shall be permitted.

1 “(10) *PROHIBITING CONNECTION OF SYSTEM OR*
2 *TRANSMISSION OF SYSTEM INFORMATION OVER THE*
3 *INTERNET.*—*No component of any voting device upon*
4 *which ballots are programmed or votes are cast or*
5 *tabulated shall be connected to the Internet at any*
6 *time.*

7 “(11) *SECURITY STANDARDS FOR VOTING SYS-*
8 *TEMS USED IN FEDERAL ELECTIONS.*—

9 “(A) *IN GENERAL.*—*No voting system may*
10 *be used in an election for Federal office unless*
11 *the manufacturer of such system and the election*
12 *officials using such system meet the applicable*
13 *requirements described in subparagraph (B).*

14 “(B) *REQUIREMENTS DESCRIBED.*—*The re-*
15 *quirements described in this subparagraph are*
16 *as follows:*

17 “(i) *The manufacturer and the election*
18 *officials shall document the secure chain of*
19 *custody for the handling of all software,*
20 *hardware, vote storage media, ballots, and*
21 *voter-verified ballots used in connection*
22 *with voting systems, and shall make the in-*
23 *formation available upon request to the*
24 *Commission.*

1 “(ii) *The manufacturer shall disclose to*
 2 *an accredited laboratory under section 231*
 3 *and to the appropriate election official any*
 4 *information required to be disclosed under*
 5 *paragraph (8).*

6 “(iii) *After the appropriate election of-*
 7 *ficial has certified the election-dedicated*
 8 *and other voting system software for use in*
 9 *an election, the manufacturer may not—*

10 “(I) *alter such software; or*

11 “(II) *insert or use in the voting*
 12 *system any software not certified by*
 13 *the State for use in the election.*

14 “(iv) *At the request of the Commis-*
 15 *sion—*

16 “(I) *the appropriate election offi-*
 17 *cial shall submit information to the*
 18 *Commission regarding the State’s com-*
 19 *pliance with this subparagraph; and*

20 “(II) *the manufacturer shall sub-*
 21 *mit information to the Commission re-*
 22 *garding the manufacturer’s compliance*
 23 *with this subparagraph.*

24 “(C) *DEVELOPMENT AND PUBLICATION OF*
 25 *BEST PRACTICES ON DOCUMENTATION OF SE-*

1 *CURE CHAIN OF CUSTODY.—Not later than Au-*
 2 *gust 1, 2008, the Commission shall develop and*
 3 *make publicly available best practices regarding*
 4 *the requirement of subparagraph (B)(i).*

5 *“(D) DISCLOSURE OF SECURE CHAIN OF*
 6 *CUSTODY.—The Commission shall make informa-*
 7 *tion provided to the Commission under subpara-*
 8 *graph (B)(i) available to any person upon re-*
 9 *quest.*

10 *“(12) DURABILITY AND READABILITY REQUIRE-*
 11 *MENTS FOR BALLOTS.—*

12 *“(A) DURABILITY REQUIREMENTS FOR*
 13 *PAPER BALLOTS.—*

14 *“(i) IN GENERAL.—All voter-verified*
 15 *paper ballots required to be used under this*
 16 *Act (including the paper ballots provided to*
 17 *voters under paragraph (13)) shall be*
 18 *marked, printed, or recorded on durable*
 19 *paper.*

20 *“(ii) DEFINITION.—For purposes of*
 21 *this Act, paper is ‘durable’ if it is capable*
 22 *of withstanding multiple counts and re-*
 23 *counts by hand without compromising the*
 24 *fundamental integrity of the ballots, and ca-*
 25 *pable of retaining the information marked,*

1 *printed, or recorded on them for the full du-*
2 *ration of a retention and preservation pe-*
3 *riod of 22 months.*

4 “(B) *READABILITY REQUIREMENTS FOR MA-*
5 *CHINE-MARKED OR PRINTED PAPER BALLOTS.—*
6 *All voter-verified paper ballots completed by the*
7 *voter through the use of a marking or printing*
8 *device shall be clearly readable by the voter with-*
9 *out assistance (other than eyeglasses or other per-*
10 *sonal vision enhancing devices) and by a scanner*
11 *or other device equipped for individuals with*
12 *disabilities.*

13 “(13) *MANDATORY AVAILABILITY OF PAPER BAL-*
14 *LOTS AT POLLING PLACE.—*

15 “(A) *REQUIRING BALLOTS TO BE OFFERED*
16 *AND PROVIDED.—The appropriate election offi-*
17 *cial at each polling place in an election for Fed-*
18 *eral office shall offer each individual who is eli-*
19 *gible to cast a vote in the election at the polling*
20 *place the opportunity to cast the vote using a*
21 *pre-printed paper ballot which the individual*
22 *may mark by hand and which is not produced*
23 *by a direct recording electronic voting machine.*
24 *If the individual accepts the offer to cast the vote*
25 *using such a ballot, the official shall provide the*

1 *individual with the ballot and the supplies nec-*
2 *essary to mark the ballot, and shall ensure (to*
3 *the greatest extent practicable) that the waiting*
4 *period for the individual to cast a vote is not*
5 *greater than the waiting period for an indi-*
6 *vidual who does not agree to cast the vote using*
7 *such a paper ballot under this paragraph.*

8 “(B) *TREATMENT OF BALLOT.*—Any paper
9 *ballot which is cast by an individual under this*
10 *paragraph shall be counted and otherwise treated*
11 *as a regular ballot for all purposes (including, to*
12 *the greatest extent practicable, the deadline for*
13 *counting the ballot) and not as a provisional*
14 *ballot, unless the individual casting the ballot*
15 *would have otherwise been required to cast a pro-*
16 *visional ballot if the individual had not accepted*
17 *the offer to cast the vote using a paper ballot*
18 *under this paragraph.*

19 “(C) *POSTING OF NOTICE.*—The appro-
20 *priate election official shall ensure that at each*
21 *polling place a notice is displayed prominently*
22 *which describes the obligation of the official to*
23 *offer individuals the opportunity to cast votes*
24 *using a pre-printed paper ballot under this*
25 *paragraph.*

1 “(D) *TRAINING OF ELECTION OFFICIALS.*—

2 *The chief State election official shall ensure that*
3 *election officials at polling places in the State*
4 *are aware of the requirements of this paragraph,*
5 *including the requirement to display a notice*
6 *under subparagraph (C), and are aware that it*
7 *is a violation of the requirements of this title for*
8 *an election official to fail to offer an individual*
9 *the opportunity to cast a vote using a pre-print-*
10 *ed paper ballot under this paragraph.*

11 “(E) *EXCEPTIONS.*—*This paragraph does*
12 *not apply with respect to—*

13 “(i) *a polling place at which each vot-*
14 *ing system used in the administration of an*
15 *election for Federal office uses only pre-*
16 *printed paper ballots which are marked by*
17 *hand and which are not produced by a di-*
18 *rect recording electronic voting machine*
19 *(other than a system used to meet the dis-*
20 *ability access requirements of paragraph*
21 *(3)); or*

22 “(ii) *a polling place in operation prior*
23 *to the date of the election, but only with re-*
24 *spect to days prior to the date of the elec-*
25 *tion.*

1 “(F) *EFFECTIVE DATE.*—*This paragraph*
 2 *shall apply with respect to the regularly sched-*
 3 *uled general election for Federal office in Novem-*
 4 *ber 2010 and each succeeding election for Federal*
 5 *office.*”.

6 (2) *REQUIRING LABORATORIES TO MEET STAND-*
 7 *ARDS PROHIBITING CONFLICTS OF INTEREST AS CON-*
 8 *DITION OF ACCREDITATION FOR TESTING OF VOTING*
 9 *SYSTEM HARDWARE AND SOFTWARE.*—

10 (A) *IN GENERAL.*—*Section 231(b) of such*
 11 *Act (42 U.S.C. 15371(b)) is amended by adding*
 12 *at the end the following new paragraphs:*

13 “(3) *PROHIBITING CONFLICTS OF INTEREST; EN-*
 14 *SURING AVAILABILITY OF RESULTS.*—

15 “(A) *IN GENERAL.*—*A laboratory may not*
 16 *be accredited by the Commission for purposes of*
 17 *this section unless—*

18 “(i) *the laboratory certifies that the*
 19 *only compensation it receives for the testing*
 20 *carried out in connection with the certifi-*
 21 *cation, decertification, and recertification of*
 22 *the manufacturer’s voting system hardware*
 23 *and software is the payment made from the*
 24 *Testing Escrow Account under paragraph*
 25 *(4);*

1 “(ii) the laboratory meets such stand-
2 ards as the Commission shall establish
3 (after notice and opportunity for public
4 comment) to prevent the existence or ap-
5 pearance of any conflict of interest in the
6 testing carried out by the laboratory under
7 this section, including standards to ensure
8 that the laboratory does not have a finan-
9 cial interest in the manufacture, sale, and
10 distribution of voting system hardware and
11 software, and is sufficiently independent
12 from other persons with such an interest;

13 “(iii) the laboratory certifies that it
14 will permit an expert designated by the
15 Commission to observe any testing the lab-
16 oratory carries out under this section; and

17 “(iv) the laboratory, upon completion
18 of any testing carried out under this sec-
19 tion, discloses the test protocols, results, and
20 all communication between the laboratory
21 and the manufacturer to the Commission.

22 “(B) AVAILABILITY OF RESULTS.—Upon re-
23 ceipt of information under subparagraph (A),
24 the Commission shall make the information

1 *available promptly to election officials and the*
2 *public.*

3 “(4) *PROCEDURES FOR CONDUCTING TESTING;*
4 *PAYMENT OF USER FEES FOR COMPENSATION OF AC-*
5 *CREDITED LABORATORIES.—*

6 “(A) *ESTABLISHMENT OF ESCROW AC-*
7 *COUNT.—The Commission shall establish an es-*
8 *crow account (to be known as the ‘Testing Es-*
9 *crow Account’)* for making payments to accred-
10 *ited laboratories for the costs of the testing car-*
11 *ried out in connection with the certification, de-*
12 *certification, and recertification of voting system*
13 *hardware and software.*

14 “(B) *SCHEDULE OF FEES.—In consultation*
15 *with the accredited laboratories, the Commission*
16 *shall establish and regularly update a schedule of*
17 *fees for the testing carried out in connection with*
18 *the certification, decertification, and recertifi-*
19 *cation of voting system hardware and software,*
20 *based on the reasonable costs expected to be in-*
21 *curring by the accredited laboratories in carrying*
22 *out the testing for various types of hardware and*
23 *software.*

24 “(C) *REQUESTS AND PAYMENTS BY MANU-*
25 *FACTURERS.—A manufacturer of voting system*

1 *hardware and software may not have the hard-*
2 *ware or software tested by an accredited labora-*
3 *tory under this section unless—*

4 *“(i) the manufacturer submits a de-*
5 *tailed request for the testing to the Commis-*
6 *sion; and*

7 *“(ii) the manufacturer pays to the*
8 *Commission, for deposit into the Testing*
9 *Escrow Account established under subpara-*
10 *graph (A), the applicable fee under the*
11 *schedule established and in effect under sub-*
12 *paragraph (B).*

13 *“(D) SELECTION OF LABORATORY.—Upon*
14 *receiving a request for testing and the payment*
15 *from a manufacturer required under subpara-*
16 *graph (C), the Commission shall select at ran-*
17 *dom (to the greatest extent practicable), from all*
18 *laboratories which are accredited under this sec-*
19 *tion to carry out the specific testing requested by*
20 *the manufacturer, an accredited laboratory to*
21 *carry out the testing.*

22 *“(E) PAYMENTS TO LABORATORIES.—Upon*
23 *receiving a certification from a laboratory se-*
24 *lected to carry out testing pursuant to subpara-*
25 *graph (D) that the testing is completed, along*

1 *with a copy of the results of the test as required*
 2 *under paragraph (3)(A)(iv), the Commission*
 3 *shall make a payment to the laboratory from the*
 4 *Testing Escrow Account established under sub-*
 5 *paragraph (A) in an amount equal to the appli-*
 6 *cable fee paid by the manufacturer under sub-*
 7 *paragraph (C)(ii).*

8 *“(5) DISSEMINATION OF ADDITIONAL INFORMA-*
 9 *TION ON ACCREDITED LABORATORIES.—*

10 *“(A) INFORMATION ON TESTING.—Upon*
 11 *completion of the testing of a voting system*
 12 *under this section, the Commission shall prompt-*
 13 *ly disseminate to the public the identification of*
 14 *the laboratory which carried out the testing.*

15 *“(B) INFORMATION ON STATUS OF LABORA-*
 16 *TORIES.—The Commission shall promptly notify*
 17 *Congress, the chief State election official of each*
 18 *State, and the public whenever—*

19 *“(i) the Commission revokes, termi-*
 20 *nates, or suspends the accreditation of a*
 21 *laboratory under this section;*

22 *“(ii) the Commission restores the ac-*
 23 *creditation of a laboratory under this sec-*
 24 *tion which has been revoked, terminated, or*
 25 *suspended; or*

1 “(iii) the Commission has credible evi-
2 dence of significant security failure at an
3 accredited laboratory.”.

4 (B) CONFORMING AMENDMENTS.—Section
5 231 of such Act (42 U.S.C. 15371) is further
6 amended—

7 (i) in subsection (a)(1), by striking
8 “testing, certification,” and all that follows
9 and inserting the following: “testing of vot-
10 ing system hardware and software by ac-
11 credited laboratories in connection with the
12 certification, decertification, and recertifi-
13 cation of the hardware and software for
14 purposes of this Act.”;

15 (ii) in subsection (a)(2), by striking
16 “testing, certification,” and all that follows
17 and inserting the following: “testing of its
18 voting system hardware and software by the
19 laboratories accredited by the Commission
20 under this section in connection with certi-
21 fying, decertifying, and recertifying the
22 hardware and software.”;

23 (iii) in subsection (b)(1), by striking
24 “testing, certification, decertification, and
25 recertification” and inserting “testing”; and

(iv) in subsection (d), by striking “testing, certification, decertification, and recertification” each place it appears and inserting “testing”.

(C) DEADLINE FOR ESTABLISHMENT OF STANDARDS, ESCROW ACCOUNT, AND SCHEDULE OF FEES.—The Election Assistance Commission shall establish the standards described in section 231(b)(3) of the Help America Vote Act of 2002 and the Testing Escrow Account and schedule of fees described in section 231(b)(4) of such Act (as added by subparagraph (A)) not later than January 1, 2008.

(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Election Assistance Commission such sums as may be necessary to carry out the Commission’s duties under paragraphs (3) and (4) of section 231 of the Help America Vote Act of 2002 (as added by subparagraph (A)).

(3) SPECIAL CERTIFICATION OF BALLOT DURABILITY AND READABILITY REQUIREMENTS FOR STATES NOT CURRENTLY USING DURABLE PAPER BALLOTS.—

1 (A) *IN GENERAL.*—*If any of the voting sys-*
2 *tems used in a State for the regularly scheduled*
3 *2006 general elections for Federal office did not*
4 *require the use of or produce durable paper bal-*
5 *lots, the State shall certify to the Election Assist-*
6 *ance Commission not later than 90 days after*
7 *the date of the enactment of this Act that the*
8 *State will be in compliance with the require-*
9 *ments of sections 301(a)(2), 301(a)(12), and*
10 *301(b) of the Help America Vote of 2002, as*
11 *added or amended by this subsection, in accord-*
12 *ance with the deadline established under this*
13 *Act, and shall include in the certification the*
14 *methods by which the State will meet the re-*
15 *quirements.*

16 (B) *CERTIFICATIONS BY STATES THAT RE-*
17 *QUIRE CHANGES TO STATE LAW.*—*In the case of*
18 *a State that requires State legislation to carry*
19 *out an activity covered by any certification sub-*
20 *mitted under this paragraph, the State shall be*
21 *permitted to make the certification notwith-*
22 *standing that the legislation has not been enacted*
23 *at the time the certification is submitted and*
24 *such State shall submit an additional certifi-*
25 *cation once such legislation is enacted.*

1 (4) *GRANTS FOR RESEARCH ON DEVELOPMENT*
 2 *OF ELECTION-DEDICATED VOTING SYSTEM SOFT-*
 3 *WARE.—*

4 (A) *IN GENERAL.—*Subtitle D of title II of
 5 *the Help America Vote Act of 2002 (42 U.S.C.*
 6 *15401 et seq.) is amended by adding at the end*
 7 *the following new part:*

8 **“PART 7—GRANTS FOR RESEARCH ON DEVELOP-**
 9 **MENT OF ELECTION-DEDICATED VOTING**
 10 **SYSTEM SOFTWARE**

11 **“SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF**
 12 **ELECTION-DEDICATED VOTING SYSTEM SOFT-**
 13 **WARE.**

14 “(a) *IN GENERAL.—*The Director of the National
 15 *Science Foundation (hereafter in this part referred to as*
 16 *the ‘Director’)* shall make grants to not fewer than 3 eligible
 17 *entities to conduct research on the development of election-*
 18 *dedicated voting system software.*

19 “(b) *ELIGIBILITY.—*An entity is eligible to receive a
 20 *grant under this part if it submits to the Director (at such*
 21 *time and in such form as the Director may require) an*
 22 *application containing—*

23 “(1) *certifications regarding the benefits of oper-*
 24 *ating voting systems on election-dedicated software*

1 *which is easily understandable and which is written*
 2 *exclusively for the purpose of conducting elections;*

3 “(2) *certifications that the entity will use the*
 4 *funds provided under the grant to carry out research*
 5 *on how to develop voting systems that run on election-*
 6 *dedicated software and that will meet the applicable*
 7 *requirements for voting systems under title III; and*

8 “(3) *such other information and certifications as*
 9 *the Director may require.*

10 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 11 *authorized to be appropriated for grants under this part*
 12 *\$1,500,000 for each of fiscal years 2007 and 2008, to re-*
 13 *main available until expended.”.*

14 “(B) *CLERICAL AMENDMENT.—The table of*
 15 *contents of such Act is amended by adding at the*
 16 *end of the items relating to subtitle D of title II*
 17 *the following:*

“PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-
 DEDICATED VOTING SYSTEM SOFTWARE

“Sec. 297. *Grants for research on development of election-dedicated voting system*
software.”.

18 “(d) *AVAILABILITY OF ADDITIONAL FUNDING TO EN-*
 19 *ABLE STATES TO MEET COSTS OF REVISED REQUIRE-*
 20 *MENTS.—*

21 “(1) *EXTENSION OF REQUIREMENTS PAYMENTS*
 22 *FOR MEETING REVISED REQUIREMENTS.—Section*
 23 *257(a) of the Help America Vote Act of 2002 (42*

1 *U.S.C. 15407(a)) is amended by adding at the end*
 2 *the following new paragraph:*

3 “(4) *For fiscal year 2007, \$1,000,000,000, except*
 4 *that any funds provided under the authorization*
 5 *made by this paragraph shall be used by a State only*
 6 *to meet the requirements of title III which are first*
 7 *imposed on the State pursuant to the amendments*
 8 *made by section 2 of the Voter Confidence and In-*
 9 *creased Accessibility Act of 2007, or to otherwise mod-*
 10 *ify or replace its voting systems in response to such*
 11 *amendments.”.*

12 (2) *USE OF REVISED FORMULA FOR ALLOCATION*
 13 *OF FUNDS.—Section 252(b) of such Act (42 U.S.C.*
 14 *15402(b)) is amended to read as follows:*

15 “(b) *STATE ALLOCATION PERCENTAGE DEFINED.—*

16 “(1) *IN GENERAL.—Except as provided in para-*
 17 *graph (2), the ‘State allocation percentage’ for a State*
 18 *is the amount (expressed as a percentage) equal to the*
 19 *quotient of—*

20 “(A) *the voting age population of the State*
 21 *(as reported in the most recent decennial census);*
 22 *and*

23 “(B) *the total voting age population of all*
 24 *States (as reported in the most recent decennial*
 25 *census).*

1 “(2) *SPECIAL RULE FOR PAYMENTS FOR FISCAL*
 2 *YEAR 2007.*—

3 “(A) *IN GENERAL.*—*In the case of the re-*
 4 *quirements payment made to a State for fiscal*
 5 *year 2007, the ‘State allocation percentage’ for a*
 6 *State is the amount (expressed as a percentage)*
 7 *equal to the quotient of—*

8 “(i) *the sum of the number of non-*
 9 *compliant precincts in the State and 50%*
 10 *of the number of partially noncompliant*
 11 *precincts in the State; and*

12 “(ii) *the sum of the number of non-*
 13 *compliant precincts in all States and 50%*
 14 *of the number of partially noncompliant*
 15 *precincts in all States.*

16 “(B) *NONCOMPLIANT PRECINCT DEFINED.*—
 17 *In this paragraph, a ‘noncompliant precinct’*
 18 *means any precinct (or equivalent location)*
 19 *within a State for which the voting system used*
 20 *to administer the regularly scheduled general*
 21 *election for Federal office held in November 2006*
 22 *did not meet either of the requirements described*
 23 *in subparagraph (D).*

24 “(C) *PARTIALLY NONCOMPLIANT PRECINCT*
 25 *DEFINED.*—*In this paragraph, a ‘partially non-*

1 *compliant precinct’ means any precinct (or*
 2 *equivalent location) within a State for which the*
 3 *voting system used to administer the regularly*
 4 *scheduled general election for Federal office held*
 5 *in November 2006 met only one of the require-*
 6 *ments described in subparagraph (D).*

7 *“(D) REQUIREMENTS DESCRIBED.—The re-*
 8 *quirements described in this subparagraph with*
 9 *respect to a voting system are as follows:*

10 *“(i) The primary voting system re-*
 11 *quired the use of or produced durable paper*
 12 *ballots (as described in section*
 13 *301(a)(12)(A)) for every vote cast.*

14 *“(ii) The voting system provided that*
 15 *the entire process of paper ballot*
 16 *verification was equipped for individuals*
 17 *with disabilities.”.*

18 *(3) INCREASE IN STATE MINIMUM SHARE OF*
 19 *PAYMENT.—Section 252(c) of such Act (42 U.S.C.*
 20 *15402(c)) is amended—*

21 *(A) in paragraph (1), by inserting after*
 22 *“one-half of 1 percent” the following: “(or, in the*
 23 *case of the payment made for fiscal year 2007,*
 24 *1 percent)”; and*

1 (B) in paragraph (2), by inserting after
 2 “one-tenth of 1 percent” the following: “(or, in
 3 the case of the payment made for fiscal year
 4 2007, one-half of 1 percent)”.

5 (4) *REVISED CONDITIONS FOR RECEIPT OF*
 6 *FUNDS.—Section 253 of such Act (42 U.S.C. 15403)*
 7 *is amended—*

8 (A) in subsection (a), by striking “A State
 9 is eligible” and inserting “Except as provided in
 10 subsection (f), a State is eligible”; and

11 (B) by adding at the end the following new
 12 subsection:

13 “(f) *SPECIAL RULE FOR FISCAL YEAR 2007.—*

14 “(1) *IN GENERAL.—Notwithstanding any other*
 15 *provision of this part, a State is eligible to receive a*
 16 *requirements payment for fiscal year 2007 if, not*
 17 *later than 90 days after the date of the enactment of*
 18 *the Voter Confidence and Increased Accessibility Act*
 19 *of 2007, the chief executive officer of the State, or des-*
 20 *ignee, in consultation and coordination with the chief*
 21 *State election official—*

22 “(A) *certifies to the Commission the number*
 23 *of noncompliant and partially noncompliant*
 24 *precincts in the State (as defined in section*
 25 *252(b)(2)); and*

1 “(B) files a statement with the Commission
 2 describing the State’s need for the payment and
 3 how the State will use the payment to meet the
 4 requirements of title III (in accordance with the
 5 limitations applicable to the use of the payment
 6 under section 257(a)(4)).

7 “(2) CERTIFICATIONS BY STATES THAT REQUIRE
 8 CHANGES TO STATE LAW.—In the case of a State that
 9 requires State legislation to carry out any activity
 10 covered by any certification submitted under this sub-
 11 section, the State shall be permitted to make the cer-
 12 tification notwithstanding that the legislation has not
 13 been enacted at the time the certification is submitted
 14 and such State shall submit an additional certifi-
 15 cation once such legislation is enacted.”.

16 (5) PERMITTING USE OF FUNDS FOR REIM-
 17 BURSEMENT FOR COSTS PREVIOUSLY INCURRED.—
 18 Section 251(c)(1) of such Act (42 U.S.C. 15401(c)(1))
 19 is amended by striking the period at the end and in-
 20 serting the following: “, or as a reimbursement for
 21 any costs incurred in meeting the requirements of
 22 title III which are imposed pursuant to the amend-
 23 ments made by section 2 of the Voter Confidence and
 24 Increased Accessibility Act of 2007 or in otherwise

1 *modifying or replacing voting systems in response to*
 2 *such amendments.”.*

3 (6) *RULE OF CONSTRUCTION REGARDING STATES*
 4 *RECEIVING OTHER FUNDS FOR REPLACING PUNCH*
 5 *CARD, LEVER, OR OTHER VOTING MACHINES.—Noth-*
 6 *ing in the amendments made by this subsection or in*
 7 *any other provision of the Help America Vote Act of*
 8 *2002 may be construed to prohibit a State which re-*
 9 *ceived or was authorized to receive a payment under*
 10 *title I or II of such Act for replacing punch card,*
 11 *lever, or other voting machines from receiving or*
 12 *using any funds which are made available under the*
 13 *amendments made by this subsection.*

14 (7) *EFFECTIVE DATE.—The amendments made*
 15 *by this subsection shall apply with respect to fiscal*
 16 *years beginning with fiscal year 2007.*

17 (e) *EFFECTIVE DATE FOR NEW REQUIREMENTS.—*
 18 *Section 301(d) of such Act (42 U.S.C. 15481(d)) is amended*
 19 *to read as follows:*

20 “(d) *EFFECTIVE DATE.—*

21 “(1) *IN GENERAL.—Except as provided in para-*
 22 *graph (2), each State and jurisdiction shall be re-*
 23 *quired to comply with the requirements of this section*
 24 *on and after January 1, 2006.*

1 “(2) *SPECIAL RULE FOR CERTAIN REQUIRE-*
2 *MENTS.—*

3 “(A) *IN GENERAL.—Except as provided in*
4 *subparagraph (B), the requirements of this sec-*
5 *tion which are first imposed on a State and ju-*
6 *risdiction pursuant to the amendments made by*
7 *section 2 of the Voter Confidence and Increased*
8 *Accessibility Act of 2007 shall apply with respect*
9 *to the regularly scheduled general election for*
10 *Federal office held in November 2008 and each*
11 *succeeding election for Federal office.*

12 “(B) *DELAY FOR JURISDICTIONS USING*
13 *CERTAIN PAPER BALLOT PRINTERS OR CERTAIN*
14 *PAPER BALLOT-EQUIPPED ACCESSIBLE MA-*
15 *CHINES IN 2006.—*

16 “(i) *DELAY.—In the case of a jurisdic-*
17 *tion described in clause (ii), subparagraph*
18 *(A) shall apply to the jurisdiction as if the*
19 *reference in such subparagraph to ‘the regu-*
20 *larly scheduled general election for Federal*
21 *office held in November 2008 and each suc-*
22 *ceeding election for Federal office’ were a*
23 *reference to ‘elections for Federal office oc-*
24 *curring during 2010 and each succeeding*

1 *year’, but only with respect to the following*
2 *requirements of this section:*

3 “(I) Paragraph (3)(B)(ii)(I) and
4 (II) of subsection (a) (relating to access
5 to verification from the durable paper
6 ballot).

7 “(II) Paragraph (12) of sub-
8 section (a) (relating to durability and
9 readability requirements for ballots).

10 “(ii) JURISDICTIONS DESCRIBED.—A
11 *jurisdiction described in this clause is—*

12 “(I) a jurisdiction which used
13 thermal reel-to-reel voter verified paper
14 ballot printers attached to direct re-
15 cording electronic voting machines for
16 the administration of the regularly
17 scheduled general election for Federal
18 office held in November 2006 and
19 which will continue to use such print-
20 ers attached to such voting machines
21 for the administration of elections for
22 Federal office held in 2008; or

23 “(II) a jurisdiction which used
24 voting machines which met the accessi-
25 bility requirements of paragraph (3) of

1 subsection (a) (as in effect with respect
 2 to such election) for the administration
 3 of the regularly scheduled general elec-
 4 tion for Federal office held in Novem-
 5 ber 2006 and which used or produced
 6 a paper ballot, and which will con-
 7 tinue to use such voting machines for
 8 the administration of elections for Fed-
 9 eral office held in 2008.”.

10 **SEC. 3. ENHANCEMENT OF ENFORCEMENT OF HELP AMER-**
 11 **ICA VOTE ACT OF 2002.**

12 Section 401 of such Act (42 U.S.C. 15511) is amend-
 13 ed—

14 (1) by striking “The Attorney General” and in-
 15 serting “(a) *IN GENERAL.*—The Attorney General”;
 16 and

17 (2) by adding at the end the following new sub-
 18 sections:

19 “(b) *FILING OF COMPLAINTS BY AGGRIEVED PER-*
 20 *SONS.*—

21 “(1) *IN GENERAL.*—A person who is aggrieved
 22 by a violation of section 301, 302, or 303 which has
 23 occurred, is occurring, or is about to occur may file
 24 a written, signed, notarized complaint with the Attor-
 25 ney General describing the violation and requesting

1 *the Attorney General to take appropriate action*
2 *under this section.*

3 “(2) *RESPONSE BY ATTORNEY GENERAL.—The*
4 *Attorney General shall respond to each complaint*
5 *filed under paragraph (1), in accordance with proce-*
6 *dures established by the Attorney General that require*
7 *responses and determinations to be made within the*
8 *same (or shorter) deadlines which apply to a State*
9 *under the State-based administrative complaint pro-*
10 *cedures described in section 402(a)(2).*

11 “(c) *CLARIFICATION OF AVAILABILITY OF PRIVATE*
12 *RIGHT OF ACTION.—Nothing in this section may be con-*
13 *strued to prohibit any person from bringing an action*
14 *under section 1979 of the Revised Statutes of the United*
15 *States (42 U.S.C. 1983) (including any individual who*
16 *seeks to enforce the individual’s right to a voter-verified*
17 *paper ballot, the right to have the voter-verified paper ballot*
18 *counted in accordance with this Act, or any other right*
19 *under subtitle A of title III) to enforce the uniform and*
20 *nondiscriminatory election technology and administration*
21 *requirements under sections 301, 302, and 303.*

22 “(d) *NO EFFECT ON STATE PROCEDURES.—Nothing*
23 *in this section may be construed to affect the availability*
24 *of the State-based administrative complaint procedures re-*

1 *quired under section 402 to any person filing a complaint*
 2 *under this subsection.”.*

3 **SEC. 4. REQUIREMENT FOR MANDATORY MANUAL AUDITS**

4 **BY HAND COUNT.**

5 *(a) MANDATORY MANUAL AUDITS.—Title III of the*
 6 *Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.)*
 7 *is amended by adding at the end the following new subtitle:*

8 **“Subtitle C—Mandatory Manual**
 9 **Audits**

10 **“SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

11 **“(a) REQUIRING AUDITS.—**

12 **“(1) IN GENERAL.—***In accordance with this sub-*
 13 *title, each State shall administer, without advance no-*
 14 *tice to the precincts selected, audits of the results of*
 15 *elections for Federal office held in the State (and, at*
 16 *the option of the State or jurisdiction involved, of*
 17 *elections for State and local office held at the same*
 18 *time as such election) consisting of random hand*
 19 *counts of the voter-verified paper ballots required to*
 20 *be produced and preserved pursuant to section*
 21 *301(a)(2).*

22 **“(2) EXCEPTION FOR CERTAIN ELECTIONS.—***A*
 23 *State shall not be required to administer an audit of*
 24 *the results of an election for Federal office under this*
 25 *subtitle if the winning candidate in the election—*

1 “(A) had no opposition on the ballot; or

2 “(B) received 80% or more of the total
3 number of votes cast in the election, as deter-
4 mined on the basis of the final unofficial vote
5 count.

6 “(b) *DETERMINATION OF ENTITY CONDUCTING AU-*
7 *DITS; APPLICATION OF GAO INDEPENDENCE STAND-*
8 *ARDS.*—*The State shall administer audits under this sub-*
9 *title through an entity selected for such purpose by the State*
10 *in accordance with such criteria as the State considers ap-*
11 *propriate consistent with the requirements of this subtitle,*
12 *except that the entity must meet the general standards es-*
13 *tablished by the Comptroller General to ensure the inde-*
14 *pendence (including the organizational independence) of en-*
15 *tities performing financial audits, attestation engagements,*
16 *and performance audits under generally accepted govern-*
17 *ment accounting standards.*

18 “(c) *REFERENCES TO ELECTION AUDITOR.*—*In this*
19 *subtitle, the term ‘Election Auditor’ means, with respect to*
20 *a State, the entity selected by the State under subsection*
21 *(b).*

22 **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

23 “(a) *IN GENERAL.*—*Except as provided in subsection*
24 *(b), the number of voter-verified paper ballots which will*
25 *be subject to a hand count administered by the Election*

1 Auditor of a State under this subtitle with respect to an
2 election shall be determined as follows:

3 “(1) In the event that the unofficial count as de-
4 scribed in section 323(a)(1) reveals that the margin
5 of victory between the two candidates receiving the
6 largest number of votes in the election is less than 1
7 percent of the total votes cast in that election, the
8 hand counts of the voter-verified paper ballots shall
9 occur in at least 10 percent of all precincts or equiva-
10 lent locations (or alternative audit units used in ac-
11 cordance with the method provided for under sub-
12 section (b)) in the Congressional district involved (in
13 the case of an election for the House of Representa-
14 tives) or the State (in the case of any other election
15 for Federal office).

16 “(2) In the event that the unofficial count as de-
17 scribed in section 323(a)(1) reveals that the margin
18 of victory between the two candidates receiving the
19 largest number of votes in the election is greater than
20 or equal to 1 percent but less than 2 percent of the
21 total votes cast in that election, the hand counts of the
22 voter-verified paper ballots shall occur in at least 5
23 percent of all precincts or equivalent locations (or al-
24 ternative audit units used in accordance with the
25 method provided for under subsection (b)) in the Con-

1 gressional district involved (in the case of an election
2 for the House of Representatives) or the State (in the
3 case of any other election for Federal office).

4 “(3) In the event that the unofficial count as de-
5 scribed in section 323(a)(1) reveals that the margin
6 of victory between the two candidates receiving the
7 largest number of votes in the election is equal to or
8 greater than 2 percent of the total votes cast in that
9 election, the hand counts of the voter-verified paper
10 ballots shall occur in at least 3 percent of all pre-
11 cincts or equivalent locations (or alternative audit
12 units used in accordance with the method provided
13 for under subsection (b)) in the Congressional district
14 involved (in the case of an election for the House of
15 Representatives) or the State (in the case of any other
16 election for Federal office).

17 “(b) *USE OF ALTERNATIVE MECHANISM.*—Notwith-
18 standing subsection (a), a State may adopt and apply an
19 alternative mechanism to determine the number of voter-
20 verified paper ballots which will be subject to the hand
21 counts required under this subtitle with respect to an elec-
22 tion, so long as the alternative mechanism uses the voter-
23 verified paper ballots to conduct the audit and the National
24 Institute of Standards and Technology determines that the
25 alternative mechanism will be at least as statistically effec-

1 *tive in ensuring the accuracy of the election results as the*
 2 *procedure under this subtitle.*

3 **“SEC. 323. PROCESS FOR ADMINISTERING AUDITS.**

4 “(a) *IN GENERAL.*—*The Election Auditor of a State*
 5 *shall administer an audit under this section of the results*
 6 *of an election in accordance with the following procedures:*

7 “(1) *Within 24 hours after the State announces*
 8 *the final unofficial vote count (as defined by the*
 9 *State) in each precinct in the State, the Election*
 10 *Auditor shall determine and then announce the pre-*
 11 *cincts in the State in which it will administer the au-*
 12 *dits.*

13 “(2) *With respect to votes cast at the precinct or*
 14 *equivalent location on or before the date of the election*
 15 *(other than provisional ballots described in paragraph*
 16 *(3)), the Election Auditor shall administer the hand*
 17 *count of the votes on the voter-verified paper ballots*
 18 *required to be produced and preserved under section*
 19 *301(a)(2)(A) and the comparison of the count of the*
 20 *votes on those ballots with the final unofficial count*
 21 *of such votes as announced by the State.*

22 “(3) *With respect to votes cast other than at the*
 23 *precinct on the date of the election (other than votes*
 24 *cast before the date of the election described in para-*
 25 *graph (2)) or votes cast by provisional ballot on the*

1 *date of the election which are certified and counted by*
2 *the State on or after the date of the election, including*
3 *votes cast by absent uniformed services voters and*
4 *overseas voters under the Uniformed and Overseas*
5 *Citizens Absentee Voting Act, the Election Auditor*
6 *shall administer the hand count of the votes on the*
7 *applicable voter-verified paper ballots required to be*
8 *produced and preserved under section 301(a)(2)(A)*
9 *and the comparison of the count of the votes on those*
10 *ballots with the final unofficial count of such votes as*
11 *announced by the State.*

12 “(b) *USE OF ELECTION PERSONNEL.*—*In admin-*
13 *istering the audits, the Election Auditor may utilize the*
14 *services of election administration personnel of the State or*
15 *jurisdiction, including poll workers, without regard to*
16 *whether or not the personnel have professional auditing ex-*
17 *perience.*

18 “(c) *LOCATION.*—*The Election Auditor shall admin-*
19 *ister an audit of an election at the location where the ballots*
20 *cast in the election are stored and counted after the date*
21 *of the election, and in the presence of those personnel who*
22 *under State law are responsible for the custody of the bal-*
23 *lots.*

24 “(d) *SPECIAL RULE IN CASE OF DELAY IN REPORTING*
25 *ABSENTEE VOTE COUNT.*—*In the case of a State in which*

1 *the final count of absentee and provisional votes is not an-*
 2 *nounced until after the expiration of the 7-day period which*
 3 *begins on the date of the election, the Election Auditor shall*
 4 *initiate the process described in subsection (a) for admin-*
 5 *istering the audit not later than 24 hours after the State*
 6 *announces the final unofficial vote count for the votes cast*
 7 *at the precinct or equivalent location on or before the date*
 8 *of the election, and shall initiate the administration of the*
 9 *audit of the absentee and provisional votes pursuant to sub-*
 10 *section (a)(3) not later than 24 hours after the State an-*
 11 *nounces the final unofficial count of such votes.*

12 “(e) *ADDITIONAL AUDITS IF CAUSE SHOWN.*—

13 “(1) *IN GENERAL.*—*If the Election Auditor finds*
 14 *that any of the hand counts administered under this*
 15 *section do not match the final unofficial tally of the*
 16 *results of an election, the Election Auditor shall ad-*
 17 *minister hand counts under this section of such addi-*
 18 *tional precincts (or equivalent jurisdictions) as the*
 19 *Election Auditor considers appropriate to resolve any*
 20 *concerns resulting from the audit and ensure the ac-*
 21 *curacy of the results.*

22 “(2) *ESTABLISHMENT AND PUBLICATION OF PRO-*
 23 *CEDURES GOVERNING ADDITIONAL AUDITS.*—*Not later*
 24 *than August 1, 2008, each State shall establish and*
 25 *publish procedures for carrying out the additional au-*

1 *dits under this subsection, including the means by*
 2 *which the State shall resolve any concerns resulting*
 3 *from the audit with finality and ensure the accuracy*
 4 *of the results.*

5 “(f) *PUBLIC OBSERVATION OF AUDITS.—Each audit*
 6 *conducted under this section shall be conducted in a manner*
 7 *that allows public observation of the entire process.*

8 **“SEC. 324. SELECTION OF PRECINCTS.**

9 “(a) *IN GENERAL.—Except as provided in subsection*
 10 *(c), the selection of the precincts in the State in which the*
 11 *Election Auditor of the State shall administer the hand*
 12 *counts under this subtitle shall be made by the Election*
 13 *Auditor on an entirely random basis using a uniform dis-*
 14 *tribution in which all precincts in a Congressional district*
 15 *have an equal chance of being selected, in accordance with*
 16 *procedures adopted by the Commission, except that at least*
 17 *one precinct shall be selected at random in each county.*

18 “(b) *PUBLIC SELECTION.—The random selection of*
 19 *precincts under subsection (a) shall be conducted in public,*
 20 *at a time and place announced in advance.*

21 “(c) *MANDATORY SELECTION OF PRECINCTS ESTAB-*
 22 *LISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a*
 23 *State establishes a separate precinct for purposes of count-*
 24 *ing the absentee ballots cast in an election and treats all*
 25 *absentee ballots as having been cast in that precinct, and*

1 *if the state does not make absentee ballots sortable by pre-*
 2 *cinct and include those ballots in the hand count adminis-*
 3 *tered with respect to that precinct, the State shall include*
 4 *that precinct among the precincts in the State in which*
 5 *the Election Auditor shall administer the hand counts*
 6 *under this subtitle.*

7 “(d) *DEADLINE FOR ADOPTION OF PROCEDURES BY*
 8 *COMMISSION.—The Commission shall adopt the procedures*
 9 *described in subsection (a) not later than March 31, 2008,*
 10 *and shall publish them in the Federal Register upon adop-*
 11 *tion.*

12 **“SEC. 325. PUBLICATION OF RESULTS.**

13 “(a) *SUBMISSION TO COMMISSION.—As soon as prac-*
 14 *ticable after the completion of an audit under this subtitle,*
 15 *the Election Auditor of a State shall submit to the Commis-*
 16 *sion the results of the audit, and shall include in the sub-*
 17 *mission a comparison of the results of the election in the*
 18 *precinct as determined by the Election Auditor under the*
 19 *audit and the final unofficial vote count in the precinct*
 20 *as announced by the State and all undervotes, overvotes,*
 21 *blank ballots, and spoiled, voided or cancelled ballots, as*
 22 *well as a list of any discrepancies discovered between the*
 23 *initial, subsequent, and final hand counts administered by*
 24 *the Election Auditor and such final unofficial vote count*
 25 *and any explanation for such discrepancies, broken down*

1 *by the categories of votes described in paragraphs (2) and*
 2 *(3) of section 323(a).*

3 “(b) *PUBLICATION BY COMMISSION.—Immediately*
 4 *after receiving the submission of the results of an audit from*
 5 *the Election Auditor of a State under subsection (a), the*
 6 *Commission shall publicly announce and publish the infor-*
 7 *mation contained in the submission.*

8 “(c) *DELAY IN CERTIFICATION OF RESULTS BY*
 9 *STATE.—*

10 “(1) *PROHIBITING CERTIFICATION UNTIL COM-*
 11 *PLETION OF AUDITS.—No State may certify the re-*
 12 *sults of any election which is subject to an audit*
 13 *under this subtitle prior to—*

14 “(A) *to the completion of the audit (and, if*
 15 *required, any additional audit conducted under*
 16 *section 323(d)(1)) and the announcement and*
 17 *submission of the results of each such audit to*
 18 *the Commission for publication of the informa-*
 19 *tion required under this section; and*

20 “(B) *the completion of any procedure estab-*
 21 *lished by the State pursuant to section 323(d)(2)*
 22 *to resolve discrepancies and ensure the accuracy*
 23 *of results.*

24 “(2) *DEADLINE FOR COMPLETION OF AUDITS OF*
 25 *PRESIDENTIAL ELECTIONS.—In the case of an election*

1 *for electors for President and Vice President which is*
 2 *subject to an audit under this subtitle, the State shall*
 3 *complete the audits and announce and submit the re-*
 4 *sults to the Commission for publication of the infor-*
 5 *mation required under this section in time for the*
 6 *State to certify the results of the election and provide*
 7 *for the final determination of any controversy or con-*
 8 *test concerning the appointment of such electors prior*
 9 *to the deadline described in section 6 of title 3,*
 10 *United States Code.*

11 **“SEC. 326. PAYMENTS TO STATES.**

12 “(a) *PAYMENTS FOR COSTS OF CONDUCTING AU-*
 13 *DITS.—In accordance with the requirements and procedures*
 14 *of this section, the Commission shall make a payment to*
 15 *a State to cover the costs incurred by the State in carrying*
 16 *out this subtitle with respect to the elections that are the*
 17 *subject of the audits conducted under this subtitle.*

18 “(b) *CERTIFICATION OF COMPLIANCE AND ANTICI-*
 19 *PATED COSTS.—*

20 “(1) *CERTIFICATION REQUIRED.—In order to re-*
 21 *ceive a payment under this section, a State shall sub-*
 22 *mit to the Commission, in such form as the Commis-*
 23 *sion may require, a statement containing—*

24 “(A) *a certification that the State will con-*
 25 *duct the audits required under this subtitle in*

1 *accordance with all of the requirements of this*
2 *subtitle;*

3 *“(B) a notice of the reasonable costs in-*
4 *curring or the reasonable costs anticipated to be*
5 *incurred by the State in carrying out this sub-*
6 *title with respect to the elections involved; and*

7 *“(C) such other information and assurances*
8 *as the Commission may require.*

9 *“(2) AMOUNT OF PAYMENT.—The amount of a*
10 *payment made to a State under this section shall be*
11 *equal to the reasonable costs incurred or the reason-*
12 *able costs anticipated to be incurred by the State in*
13 *carrying out this subtitle with respect to the elections*
14 *involved, as set forth in the statement submitted*
15 *under paragraph (1).*

16 *“(3) TIMING OF NOTICE.—The State may not*
17 *submit a notice under paragraph (1) until candidates*
18 *have been selected to appear on the ballot for all of*
19 *the elections for Federal office which will be the sub-*
20 *ject of the audits involved.*

21 *“(c) TIMING OF PAYMENTS.—The Commission shall*
22 *make the payment required under this section to a State*
23 *not later than 30 days after receiving the notice submitted*
24 *by the State under subsection (b).*

1 “(d) *RECOUPMENT OF OVERPAYMENTS.*—No payment
 2 may be made to a State under this section unless the State
 3 agrees to repay to the Commission the excess (if any) of—

4 “(1) the amount of the payment received by the
 5 State under this section with respect to the elections
 6 involved; over

7 “(2) the actual costs incurred by the State in
 8 carrying out this subtitle with respect to the elections
 9 involved.

10 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 11 authorized to be appropriated to the Commission for fiscal
 12 year 2008 and each succeeding fiscal year \$100,000,000 for
 13 payments under this section.

14 **“SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RE-**
 15 **COUNT UNDER STATE LAW PRIOR TO CER-**
 16 **TIFICATION.**

17 “(a) *EXCEPTION.*—This subtitle does not apply to any
 18 election for which a recount under State law will commence
 19 prior to the certification of the results of the election, includ-
 20 ing but not limited to a recount required automatically be-
 21 cause of the margin of victory between the two candidates
 22 receiving the largest number of votes in the election, but
 23 only if each of the following applies to the recount:

24 “(1) The recount commences prior to the deter-
 25 mination and announcement by the Election Auditor

1 *under section 323(a)(1) of the precincts in the State*
 2 *in which it will administer the audits under this sub-*
 3 *title.*

4 *“(2) If the recount would apply to fewer than*
 5 *100% of the ballots cast in the election—*

6 *“(A) the number of ballots counted will be*
 7 *at least as many as would be counted if an audit*
 8 *were conducted with respect to the election in ac-*
 9 *cordance with this subtitle; and*

10 *“(B) the selection of the precincts in which*
 11 *the recount will be conducted will be made in ac-*
 12 *cordance with the random selection procedures*
 13 *applicable under section 324.*

14 *“(3) The recount for the election meets the re-*
 15 *quirements of section 323(e) (relating to public obser-*
 16 *vation).*

17 *“(4) The State meets the requirements of section*
 18 *325 (relating to the publication of results and the*
 19 *delay in the certification of results) with respect to*
 20 *the recount.*

21 *“(b) CLARIFICATION OF EFFECT ON OTHER REQUIRE-*
 22 *MENTS.—Nothing in this section may be construed to waive*
 23 *the application of any other provision of this Act to any*
 24 *election (including the requirement set forth in section*
 25 *301(a)(2) that the voter verified paper ballots serve as the*

1 *vote of record and shall be counted by hand in all audits*
 2 *and recounts, including audits and recounts described in*
 3 *this subtitle).*

4 **“SEC. 328. EFFECTIVE DATE.**

5 *“This subtitle shall apply with respect to elections for*
 6 *Federal office beginning with the regularly scheduled gen-*
 7 *eral elections held in November 2008.”.*

8 *(b) AVAILABILITY OF ENFORCEMENT UNDER HELP*
 9 *AMERICA VOTE ACT OF 2002.—Section 401 of such Act (42*
 10 *U.S.C. 15511), as amended by section 3, is amended—*

11 *(1) in subsection (a), by striking the period at*
 12 *the end and inserting the following: “, or the require-*
 13 *ments of subtitle C of title III.”;*

14 *(2) in subsection (b)(1), by striking “303” and*
 15 *inserting “303, or subtitle C of title III,”; and*

16 *(3) in subsection (c)—*

17 *(A) by striking “subtitle A” and inserting*
 18 *“subtitles A or C”, and*

19 *(B) by striking the period at the end and*
 20 *inserting the following: “, or the requirements of*
 21 *subtitle C of title III.”.*

22 *(c) GUIDANCE ON BEST PRACTICES FOR ALTERNATIVE*
 23 *AUDIT MECHANISMS.—*

24 *(1) IN GENERAL.—Not later than May 1, 2008,*
 25 *the Director of the National Institute for Standards*

1 *and Technology shall establish guidance for States*
 2 *that wish to establish alternative audit mechanisms*
 3 *under section 322(b) of the Help America Vote Act of*
 4 *2002 (as added by subsection (a)). Such guidance*
 5 *shall be based upon scientifically and statistically*
 6 *reasonable assumptions for the purpose of creating an*
 7 *alternative audit mechanism that will be at least as*
 8 *effective in ensuring the accuracy of election results*
 9 *and as transparent as the procedure under subtitle C*
 10 *of title III of such Act (as so added).*

11 (2) *AUTHORIZATION OF APPROPRIATIONS.—*
 12 *There are authorized to be appropriated to carry out*
 13 *paragraph (1) \$100,000, to remain available until ex-*
 14 *pended.*

15 (d) *CLERICAL AMENDMENT.—The table of contents of*
 16 *such Act is amended by adding at the end of the items relat-*
 17 *ing to title III the following:*

“Subtitle C—Mandatory Manual Audits

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to cer-
tification.

“Sec. 328. Effective date.”.

1 **SEC. 5. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE**
2 **COMMISSION FROM CERTAIN GOVERNMENT**
3 **CONTRACTING REQUIREMENTS.**

4 (a) *IN GENERAL.*—Section 205 of the Help America
5 Vote Act of 2002 (42 U.S.C. 15325) is amended by striking
6 subsection (e).

7 (b) *EFFECTIVE DATE.*—The amendment made by sub-
8 section (a) shall apply with respect to contracts entered into
9 by the Election Assistance Commission on or after the date
10 of the enactment of this Act.

11 **SEC. 6. EFFECTIVE DATE.**

12 *Except as otherwise provided, this Act and the amend-*
13 *ments made by this Act shall apply with respect to the regu-*
14 *larly scheduled general election for Federal office in Novem-*
15 *ber 2008 and each succeeding election for Federal office.*

Union Calendar No. 91

110TH CONGRESS
1ST Session

H. R. 811

[Report No. 110-154]

A BILL

To amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes.

MAY 16, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed